

Indigenous Peoples' Caucus on Business and Human Rights
Opening Statement
November 27, 2023
Geneva, Switzerland

Representatives of Indigenous Peoples from the different sociocultural regions of the world have come together as a Global Caucus for the Business and Human Rights Forum. In relation to this year's theme, "Towards Effective Change in the Implementation of Obligations, Responsibilities, and Reparations," we discussed the urgency of advancing various priorities.

Indigenous Peoples continue to suffer disproportionately from the impacts of business operations to our rights and wellbeing. Efforts to address these must place human rights at the center, with special emphasis on the explicit recognition of Indigenous Peoples as distinct group with collective rights including our right to self-determination, rights over lands, territories, and resources, and the right to Free, Prior and Informed Consent. The continuing lack of legal recognition of Indigenous Peoples in many states in Africa and Asia is a key factor of the worsening cases of land grabbing, exploitation, and extraction of our resources for business purposes resulting to our rights violations and criminalization with impunity.

We wish to underscore our serious concerns on the continuing business as usual approach in meeting the growing demands of transition minerals. More than 50 % are found in nearby our territories in or nearby indigenous territories. The extraction of these minerals is being imposed on us without our meaningful participation and FPIC resulting to conflicts, attacks to indigenous to human rights, land and environment defenders and further marginalization and denial of justice. These acts are against the three principles of the UNGP and will only worsen social justice, discrimination and inequity against indigenous Peoples.

Likewise, we also continue to face imposition of renewable energy development in our territories such as solar and windmill farms, large hydro-dams, and geothermal stations. The decisions of the Supreme Courts of Kenya and Norway pointing out the violations of indigenous peoples' rights in the imposition of windmill farms to affected indigenous communities should serve as a wakeup call. However, actions by states and corporations to implement the decisions of the Supreme Courts are still pending after several years which only demonstrate their continuing discriminatory attitude to indigenous peoples, lack of effective mechanisms for reparations, and complete disregard of our rights and the rule of law when it concerns Indigenous Peoples.

As we support the need for just transition from fossil fuels, this must be undertaken with our full and effective participation in the context of the respect, recognition and protection of our rights, consistent with the UNGP and international human rights instruments including the UNDRP. There are good practices by Indigenous Peoples which can be replicated and supported by states and investors. For instance, Indigenous Peoples in Canada, the United States, Australia, and New Zealand have developed their own renewable energy projects, a result of their self-determined decisions. These good practices can also address the huge gap in the access to renewable energy by millions of indigenous peoples.

Furthermore, the way some industries and companies conduct their activities in or near Indigenous territories must be redefined. We have seen numerous examples of greenwashing, where industrial associations and companies adopt policies respecting the Guiding Principles and the human rights of Indigenous Peoples but fail to comply in practice, spanning industries such as mining and metals, oil and gas, agribusiness, and renewable energies. Our rights must be protected and respected in both domestic and extraterritorial business activities.

The role of investors and financial institutions is crucial. We are deeply concerned about certain financial institutions use different tactics to conceal their investments in businesses. Investing or financing activities that violate our rights, such as in hydroelectric dams or other projects that displace us from our territories, is reprehensible and condemnable.

We urge to put an end to the growing violence against Indigenous Peoples and their defenders. Despite representing approximately 6% of the global population, we disproportionately face the effects of killings, criminalization, and violence. In cases like Mexico, over 40% of human rights defenders' murders are Indigenous. Indigenous leaders are selectively and systematically murdered for speaking out against extractive companies. Additionally, defenders, like Indigenous Peoples themselves, face violence, intimidation, persecution, strategic lawsuits against public participation (SLAPPs), and displacement.

There is an urgent call for companies to apply the guiding principles to ensure their activities do not impact negatively on Indigenous Peoples' rights and ways of life, including those in first contact and voluntary isolation. They must also consider the intersectionality that Indigenous women, persons with disabilities, and youth face. We call on states to ratify the Escazú Agreement and develop similar binding instruments in different regions worldwide. Defenders must be protected, and our basic rights to access information affirmed. Moreover, in the context of the legally binding agreement discussions, we call for the obligations to apply to all businesses with domestic and extraterritorial operations.

Finally, the Indigenous Peoples caucus wants to engage with states, corporations and investors in advancing the UNGP to make the urgent changes for our rights to be fully respected, recognized and protected in business endeavours to advance social equity and sustainable development for all.